

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES JOHN O'SHEA,  
Plaintiff,

v.

DANNY CHAU,  
Defendant.

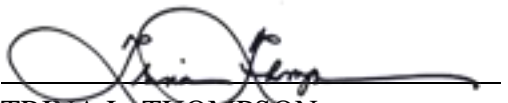
Case No. [23-cv-01535-TLT](#)

**ORDER OF DISMISSAL**

Plaintiff, a prisoner at the Maguire Correctional Facility in San Mateo County proceeding *pro se*, filed a civil rights complaint under 42 U.S.C. § 1983. ECF 1. That same day, the Clerk of the Court informed plaintiff that this action was deficient because plaintiff had not paid the filing fee or filed an application to proceed *in forma pauperis*. ECF 2. Plaintiff was instructed to respond within twenty-eight days of the date of the order. *Id.* The deadline has passed, and plaintiff has neither paid the filing fee nor filed an application to proceed *in forma pauperis*. The Court therefore DISMISSES this action without prejudice. Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion must be accompanied by either the filing fee or an *in forma pauperis* application on the proper form with the required supporting documents. The Clerk shall enter judgment in favor of Defendant and close the file.

**IT IS SO ORDERED.**

Dated: July 11, 2023

  
TRINA L. THOMPSON  
United States District Judge